for the benefit of creditors. *Wineman* v. *Electrical Manfg. Co.*, 118 Mich. 636, which holds as above, says that a chattel mortgage may be an assignment in a "narrow sense of the word." It is admitted in the principal case that the same evils may be effected by means of chattel mortgages that the SALES IN BULK ACT guards against in sales, exchanges and assignments.

CONSTITUTIONAL LAW—PROSPECTIVE EFFECT OF AMENDMENT.—Defendant, as tax collector, demanded a license tax from plaintiff company under act approved July 6, 1910, imposing license taxes on those engaged in mining pursuits. Plaintiff claims exemption on the ground that the act is unconstitutional in so far as it applies to mining pursuits. The State constitution at the time of the passage of the act prohibited such a tax. But the act in question contained the following clause: "That this act shall not go into effect unless and until the proposed amendment to the constitution of this State, amending article 229 thereof, has been adopted which amendment is to be submitted to the people as provided by this Legislature." The amendment was adopted in November, 1910. *Held,* that the act was unconstitutional when passed, and was not validated by the later amendment in which the act was not referred to. *Etchison Drilling Co.* v. *Flournoy* (La. 1912) 59 South. 867.

An act to take effect on the happening of a future event is valid. But an act which is void when made, cannot be validated by postponing its effect until such time that it would, if then passed, be valid. The statute in question was an enabling act, passed in advance of the adoption of a proposed constitutional amendment. In *Coguenham* v. *Avoca Drainage District,* 130 La. 323, 57 South. 989, the same court said on the question whether such anticipatory legislation was valid: "No reason is suggested why it should not be." But the court now points out that that remark was unnecessary to the decision of the case, as the amendment was there self-executing. Such legislation is now declared in the principal case to be without precedent. An act passed the day before the enabling amendment (which had already been adopted by the people) was ratified by the legislature, was held to be part of the same legislation and valid in *Galveston* v. *Gross,* 47 Tex. 428. That is apparently the nearest of any decision to the principal case. The principal case follows the rule laid down by COOLEY, CONSTITUTIONAL LIMITATIONS, 97, that a constitution should operate prospectively only, unless the words employed in the constitution or amendment itself show a clear intention that it should have a retrospective effect.

CONTRACTS—RECOVERY OF MONEY PAID TO STIFLE PROSECUTION.—Plaintiffs, having violated the liquor laws, stifled prosecution by the payment of money to a so-called Law and Order League, which had started a number of prosecutions against plaintiff for the illegal sale of intoxicating liquors. The evidence showed that the defendants, who were members of the League, in collusion with the Judge of the Police Court, brought these prosecutions for the purpose of extorting money from plaintiffs for their private benefit. Plaintiffs after the statute of limitations barred further prosecution against them, brought suit to recover the money paid to the defendants. *Held,* that

plaintiffs having stifled prosecution against them for offenses for which they might have been convicted, cannot recover money paid to procure suppression of such prosecutions. *Scott et al* v. *O'Hara et al.* (Ky. 1912) 150 S. W. 63.

The court applied the well-known rule that where parties are *in pari delicto* the courts will deny relief. CARROLL, J., in a dissenting opinion, argued that plaintiff should be allowed to recover because the defendants had used a court of justice to extort money from plaintiffs and that the threat of prosecution under such circumstances is duress. Some courts have sustained this view, even though the prosecution would have been lawful. *Insurance Co.* v. *Kirkpatrick, Dunn & Co.,* 11 Ala. 456, 20 So. 651; *Bryant* v. *Peck & Whipple & Co.,* 154 Mass. 460, 28 N. E. 678; *Adams* v. *Irving National Bk.,* 116 N. Y. 606, 23 N. E. 7; *Gorringe* v. *Reed,* 23 Utah 120, 90 Am. St. Rep. 692. For other cases see note in 20 L. R. A. (N. S.) 484. Under the facts of the principal case a court might have applied a well-known exception to the general rule, viz., that even if parties are *in pari delicto* courts will grant relief where public policy requires intervention. *Pratt* v. *Short,* 79 N. Y. 437, 35 Am. Rep. 531; *Lester* v. *Howard Bank,* 33 Md. 558, 3 Am. Rep. 211.

CORPORATIONS—STREET RAILWAYS—RIGHTS AFTER EXPIRATION OF FRANCHISE.—When a street railway company's franchise in a street has expired, its right to occupy and use the street then ceases, the city can compel it to remove its property from the street, though the company would yet continue to own the rails and other operating appliances and would have a reasonable time after notice in which to remove such property. *City of Detroit* v. *Detroit United Railway Co.* (Mich. 1912) 137 N. W. 645. For a discussion of the principles involved, see NOTE AND COMMENT, p. 243, ante.

DAMAGES—PHYSICAL INJURIES RECEIVED FROM FRIGHT WITHOUT CONTEMPORANEOUS BODILY INJURY.—Plaintiff and her husband had just alighted from a buggy in which they were travelling with their children, when the defendant's negligent operation of his automobile caused the team to run away with the buggy containing plaintiff's children. Because of the danger to her children, plaintiff became greatly frightened, from which physical injuries resulted. Defendant demurred to the declaration on the ground that it failed to disclose an actual injury to the plaintiff's person, reputation, or estate, so as to furnish a legal support of a claim for damages. *Held,* the demurrer was properly overruled, as no contemporaneous bodily injury is necessary to support a legal claim for damages received from fright. *Spearman* v *.McCrary* (Ala. 1912) 58 So. 927.

This is the first time that the above question has been authoritatively passed upon by the Alabama courts, though in *Engle* v. *Simmons,* 148 Ala. 92, 41 So. 1023, an action for damages growing out of a trespass, the court held that physical injuries received from fright are not too remote but are the proximate result of the wrongful act. The principal case adds another State to the list of those which hold that contemporaneous bodily injury is not necessary to a recovery of damages for physical injuries received from fright. The